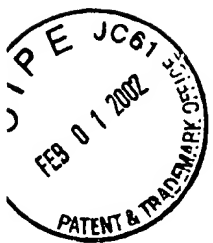


#5



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 020366-077810

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

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On 1/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: Don Mixon
Don Mixon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Cerami, et al.

Application No.: 09/921,274

Filed: August 1, 2001

For: LINKING ORDER ENTRY
PROCESS TO REALTIME NETWORK
INVENTORIES AND CAPACITIES

Examiner: Unassigned

Art Unit: 2161

PETITION UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

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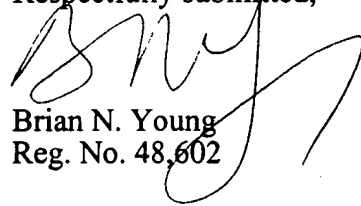
Dear Sir:

Applicants respectfully petition for filing under 1.47(a) for the above-referenced case. Signed Declarations and Assignments are being filed from two of the three joint inventors for this case. The second inventor, Mr. Timothy Figueroa, could not be reached after diligent efforts. The Declarations of Brian N. Young and Chad Hilyard which include proof of the pertinent facts and the last known address of the non-signing inventor, are provided herewith in support of this Petition.

This application is made by the other two inventors on behalf of the non-signing inventor, Mr. Timothy Figueroa. The commissioner is authorized to charge the fee set forth in 37 CFR § 1.17(i) (\$130.00) to the undersigned's Deposit Account No. 20-1430.

Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in triplicate.

Respectfully submitted,

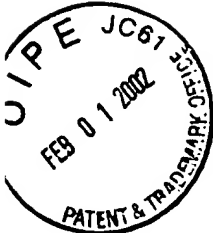


Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300

BNY/dxm

SF 1306428 v1



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PATENT
Attorney Docket No.: 20366-077810US

Assistant Commissioner for Patents
Washington, D.C. 20231

On 11/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: *Don M...*

COPY OF PAPERS
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In re application of:

Richard Cerami, et al.

Application No.: 09/921,274

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PROCESS TO REALTIME NETWORK
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Examiner: Unassigned

Art Unit: 2161

DECLARATION OF CHAD S. HILYARD
IN SUPPORT OF PETITION UNDER 37
C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Chad S. Hilyard, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application along with Brian N. Young ("Brian"). In addition to Brian's efforts, I also have made diligent efforts to contact Mr. Timothy Figueroa, an inventor for the above-referenced case and previously an employee of Qwest.

On or about November 6, 2001, Brian contacted me and asked me to call Mr. Figueroa, because he had not responded to Brian's letter requesting him to review the patent application and execute the declaration and assignment documents.

Between about November 10, 2001 and December 10, 2001, I called Mr. Figueroa at his work phone number (720-535-7700) at least four times and spoke to him at least three times. The first two times I spoke with Mr. Figueroa, he was very evasive. Specifically, he was hesitant to talk to me, but indicated that he had the declaration and assignment documents

at home, and requested that I call him back in a couple of days, which I did. On December 10, 2001, the last time I spoke with Mr. Figueroa, he indicated that he would not sign and return the declaration and assignment documents. Then, he hung-up on me.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

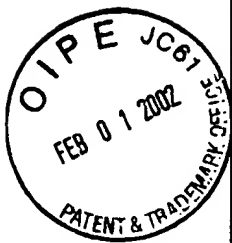
Date: _____

1/9/2002

Chad S. Hilyard

Chad S. Hilyard

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Fax: 415-576-0300



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PATENT
Attorney Docket No.: 20366-077810US

Assistant Commissioner for Patents
Washington, D.C. 20231

On 1/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: Don Mue

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In re application of:

Richard Cerami, et al.

Application No.: 09/921,274

Filed: August 1, 2001

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PROCESS TO REALTIME NETWORK
INVENTORIES AND CAPACITIES

Examiner: Unassigned

Art Unit: 2161

DECLARATION OF BRIAN N. YOUNG
IN SUPPORT OF PETITION UNDER 37
C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Brian N. Young, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application. I have made diligent efforts to contact Mr. Timothy Figueroa, an inventor for the above-referenced case and previously an employee of Qwest.

On August 1, 2001, the above-referenced patent application was filed by Qwest with missing parts. On September 10, 2001, a Notice to File Missing Parts from the U.S. Patent Office was mailed to our office.

Therefore, I prepared the declaration and assignment documents for the above-referenced patent application and forwarded them to all the inventors (including Mr. Timothy Figueroa), along with the patent application as filed and a cover letter instructing them to review the application and execute the documents on September 27, 2001. A copy of the cover letter is attached as **Exhibit A**, the cover letter shows Mr. Figueroa's last known address,

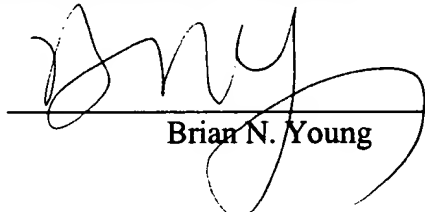
which is 15231 East Hialeah Place, Aurora, Colorado 80015. A reminder was mailed by Federal Express November 1, 2001. A copy of the Federal Express label receipt is attached hereto as **Exhibit B**.

The Federal Express Package was signed by L. Figueroa on November 2, 2001, we believe Mr. Figueroa received the documents, as shown in the declaration of Chad Hilyard, Mr. Figueroa was contacted at the address and has not signed the declaration and assignment documents.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: _____

1/10/02



Brian N. Young

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